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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,960	08/10/2001	Koji Shibata	041514-5136	4410

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EXAMINER

NOLAN, DANIEL A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,960

Applicant(s)

SHIBATA ET AL.

Examiner

Daniel A. Nolan

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/13/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: 11/13/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

2. The IDS filed 10 January was problematic, as noted by the Examiner-initiated interview (included with that action), indicating that either a blank page was included with the filing or that a page was missing. The issue was not resolved by the conclusion of the office action, so consequently the paragraph in question was included to cover the possibility that a part of the IDS was missing. Those references that have been initialed by the Examiner have been considered.

Response to Amendment

The filing of 13 July 2004 has been applied to the following effect:

- The title was changed as indicated and the objection is withdrawn as satisfied.
- The specification was changed as indicated and the objections are withdrawn.
- Claims 9 and 10 were added and examined on the merits.

Response to Arguments

3. Applicant's arguments filed 13 July 2004 have been fully considered but they are not persuasive.

Regarding the argument that the captions for figure 5 can be inferred from figure 4, while the explanation that the functions correspond, the figures are not sufficiently the same to prevent the reader from drawing erroneous conclusions, so the objection is maintained. An acceptable change is proposed in the objection.

Any identification involves some search and comparison with a known – i.e., predetermined – value to conclude the identification as successful or not. The assertion that Nishida *et al* do not *compare a tag with a predetermined tag* happens not to be the case, as it is obvious that any comparison of a tag or key-word to a known value requires that the known value be *predetermined* to the value sought and that it be of the same type for purposes of comparison. The use of keywords as tags is an established practice, as provided by Britton included with this action as supporting reference of ¶[0058] and ¶¶[0075] – [0076] which teach (in figure 6 – see page 7 lines 19-26 in left column) that keywords may be applied as tags and that recognition requires external (i.e., *predefined*) criteria.

Regarding the call for examples of VoiceXML reference producing synthesized sound, the reference substantiates Nishida with the examples cited providing sufficient comparison. Regarding the call for examples, since the purpose of VoiceXML is to

Art Unit: 2654

specify voice operations the document is replete with examples of the functions where synthesized sound is produced from character information reserved by a tag, as in ¶13.3 Audio Prompting on page 46. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention that programming operations occur on encountering a predefined value as being typical of ordinary command or triggering, initiated upon recognition with a known or predefined value.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:
- 302 & 304 are not explained (figure 5). This could be remedied with explicit words to the effect “... *where step 301, 302, 303, 304 & 305 in figure 5 correspond to steps 21, 22, 23, 24 and 25 in figure 4, respectively*” in the 3rd paragraph of page 13 of the specification.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Nishida *et al* & the VoiceXML Programming Tutorial

6. Claims 1-8 are rejected under 35 U.S.C. 103(b) as being unpatentable over Nishida *et al* (U.S. Patent 5,845,248) in view of the VoiceXML Programming Tutorial ("Voice eXtensible markup Language", VoiceXML Forum © March 2000).

7. Regarding claims 1 and 2, Nishida *et al*, with the invention for *reading out textual information with synthesized speech*, reads on every feature of claim 1 for a *method of synthesizing voice* as follows:

Nishida *et al* reads on the feature of a *voice synthesization method for producing a synthesized sound that corresponds to character information included in transmitted*

Art Unit: 2654

information (claim 1 lines 46-47), the transmitted information including the character information and tags (the keyword read-out region of claim 1 lines 52-53) adapted to reserve the character information (column 17 lines 1-4 meeting the specification for reserved in lines 5 & 9 of page 3 in the instant specification), the method comprising the steps of:

- *A) recognizing a tag in the character information (i.e., exists in claim 1 line 60);*
- *B) comparing the tag recognized in step A with a predetermined tag (i.e. specified in claim 1 line 65); and*
- *C) producing synthesized sound from character information (column 17 lines 5-8)*

Where Nishida et al is silent as to the features being *written in a programming language* the instructions, the examples provided in the VoiceXML Programming Tutorial provide sufficient instruction and example to make obvious every feature of the claims for a *voice synthesization method for producing a synthesized sound that corresponds to character information included in transmitted information written in a programming language* (section 2.3, lines 1-4 page 8), *the transmitted information including the character information and tags adapted to reserve the character information* (section 13.4 pages 46-47) as follows:

- The VoiceXML Programming Tutorial reads on the feature of *A) recognizing a tag in the character information* (with the *audio tag* of 13.3 page 46);
- The VoiceXML Programming Tutorial teaches the feature of *B) comparing the tag recognized in step A with a predetermined tag* (by setting the *form item variable* lines

Art Unit: 2654

14-16 page 21 – the predetermined tag being either the *instruction* set by the compiler/interpreter or a *key variable* set by the programmer); and

- Regarding the final features in the claims, the VoiceXML Programming Tutorial teaches the step C) of claims 1 and 2 (with *sub-dialogs* section 3.1 page 10 to provide distinct *vocalization* and *non-vocalization/display*), reading on the features of both claims, as follows:

With respect to the final feature of claim 1, the VoiceXML Programming Tutorial teaches the feature of *producing a synthesized sound from the character information except for character information reserved by the recognized tag only when the two tags match each other* (with the instructions for setting to *not be selected*, lines 27-28 page 25), and

With respect to the final feature of claim 2, the VoiceXML Programming Tutorial teaches the feature for *producing a synthesized sound from character information reserved by the recognized tag only when the two tags match each other* (by *forced to revisit/select*, lines 28-29 page 25), respectively.

It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of the VoiceXML Programming Tutorial as taught by the programming instructions and examples to the device/method of Nishida et al so as to construct a series of operations that will accompany the automated exchange of information with speech when required.

8. Regarding claims 3 and 6, the claims are set forth with the same limits as claims 1 and 2, respectively. Nishida et al (claim 6 lines 31-37) reads on the feature that *at least one of the steps of starting and ending production of the synthesized sound corresponds to the character information only when the two tags match each other in step B* (column 19 lines 39-41), where the steps of *starting and ending production* are intrinsic features of speech (as distinguished from noise or music).

9. Regarding claims 4 and 7, the claims are set forth with the same limits as claims 1 and 2, respectively.

- Nishida et al reads on the step of D) *recognizing a content of the character information reserved by the tag recognized in step A* (i.e., the keyword is determined to exist in column 20 line 3) and the step of E) *comparing the content of the reserved character information recognized in step D with a content of predetermined character information* (i.e., checks whether specified in lines 7-8 column 20); and
- Nishida et al reads on the step of F) *at least starting or ending production of the synthesized sound that corresponds to the reserved character information when the two contents of the character information match each other in step E* (column 20 lines 13-23).

10. Regarding claims 5 and 8, the claims are set forth with the same limits as claims 4 and 7, respectively. Nishida et al reads on the step of G) *comparing the reserved character information recognized in step D with a plurality of predetermined character*

Art Unit: 2654

information on the basis of predetermined logic condition (shown with the "keyword" and read-out region of column 3 – see column 5 line 1); and the step of H) at least starting or ending production of the synthesized sound when the predetermined logic condition is met as a result of comparison in step G (column 20 line 36).

Nishida et al, the VoiceXML Programming Tutorial & Muramoto et al

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(b) as being unpatentable over Nishida et al in view of the VoiceXML Programming Tutorial and further in view of Muramoto et al (U.S. Patent 6,175,843 B1).

12. Regarding claims 9 and 10, the claims are set forth with the same limits as claims 1 and 2, respectively. Neither Nishida et al nor the VoiceXML Programming Tutorial speak to displaying specified fields. The invention of Muramoto et al for *displaying a structured document* read on the feature that *the character information reserved by the recognized tag is displayed on a screen* (665 in figure 5). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Muramoto et al to the device/method of Nishida et al or the VoiceXML Programming Tutorial to present information without re-parsing the code to collect the field attributes.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hind et al^{'054} (U.S. Patent Publication 2002/0122054 A1) representing and managing dynamic data content for web documents.
- Hind et al^{'440} (U.S. Patent 6,463,440 B1) partial characteristic match retrieves style sheets from directories.

- Britton et al (U.S. Patent Publication 2003/0018668 A1) annotation techniques enhance structured document transcoding.
- Hind et al⁷⁷⁸ (U.S. Patent 6,585,778 B1) enforcing data policy using style sheet processing.
- Boag et al (U.S. Patent 6,589,291 B1) determining location for style sheet application.
- Hind et al¹²⁹ (U.S. Patent 6,715,129 B1) transcoding for application-specific document content.
- Tokuda (U.S. Patent 6,229,535 B1) file acceptance display .

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Nolan whose telephone number is (703)305-1368. The examiner can normally be reached on 7AM-5PM, Mon-Tue & Thu-Fri. If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached at (703)305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)217-9197 (toll-free).

Art Unit: 2654

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", and designate formal communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

or mailed to:

P.O. Box 1450
Alexandria, VA 22313-1450

or hand-deliver to: Crystal Park 2,
2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703)306-03776-0377.

Daniel A. Nolan
Examiner
Art Unit 265454

DAN/d
November 2, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER